



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Robert E. Russell  
File: B-232324  
Date: August 24, 1988

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### DIGEST

1. A protest alleging that a competing offeror had a competitive advantage based on geographic location is without merit since any competitive advantage did not result from preferential or unfair treatment by the government.
2. General Accounting Office (GAO) will not consider contention that requirement should be made more restrictive since GAO's role in reviewing bid protests is to ensure that the statutory requirements for full and open competition are met, not to protect any interest a protester may have in more restrictive requirements.

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### DECISION

Robert E. Russell protests solicitation for offers (SFO) No. MNJ88001 issued by the U.S. General Services Administration (GSA) for the lease of warehouse and related space. We dismiss the protest.

Russell explains that prior to the solicitation's issuance, GSA indicated in its public notice that the warehouse facility must be "within a 35-mile radius of its current facility at Belle Meade, NJ and have . . . close proximity to interstate highways." The SFO, however, did not contain the phrase "close proximity to interstate highways." According to the protester, the SFO listed six factors in descending order of importance which were to be considered in addition to price, with the second factor stating only: "Location Consideration (for example: distance by road from a state or U.S. highway or Interstate exchange . . .)."

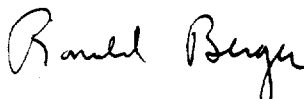
Russell also points out that in October 1986 and May 1987, GSA sold two parcels of unimproved surplus land at the Belle Meade site. Both parcels adjoin the current GSA facility and each is large enough to contain the new facility sought by the SFO. Russell states that at least

one of the two purchasers of these parcels is a potential offeror, but he concedes that "the recent sales of these government land parcels at Belle Meade by the GSA was inadvertent. . . ."

The basis of Russell's protest is that the two purchasers of the land adjoining the Belle Meade facility have been given a competitive advantage based on the favorable location of their land. He asserts that these potential offerors have gained a cost and location advantage that other offerors cannot match. However, our decisions state that agencies are not required to attempt to equalize competition because of an offeror's particular circumstances. IBI Security Service, Inc., B-216799, July 25, 1985, 85-2 CPD ¶ 85. The test is whether the competitive advantage enjoyed by a particular offeror is the result of a preference or unfair action by the government. Id. Here, there is no indication that the alleged competitive advantage enjoyed by potential offerors is the result of a preference or unfair action by the government; on the contrary, Russell concedes that there was no improper government conduct with respect to the prior sales of land.

Russell also states that the SFO relaxed the location criteria from that stated in the public notice by removing the phrase "close proximity to interstate highways." Russell argues that the "more stringent language of the public notice" would have rendered the owners of the land in the Belle Meade area ineligible for award because of the distance of their property from interstate highways. Russell argues, in effect, that the SFO should have included this more restrictive requirement. However, our Office will not consider this contention that the requirement in the SFO should be made more restrictive. Our role in reviewing bid protests is to ensure that the statutory requirements for full and open competition are met, not to protect any interest a protester may have in more restrictive requirements. Petchem, Inc., B-228093, Sept. 8, 1987, 87-2 CPD ¶ 228.

The protest is dismissed.

  
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